



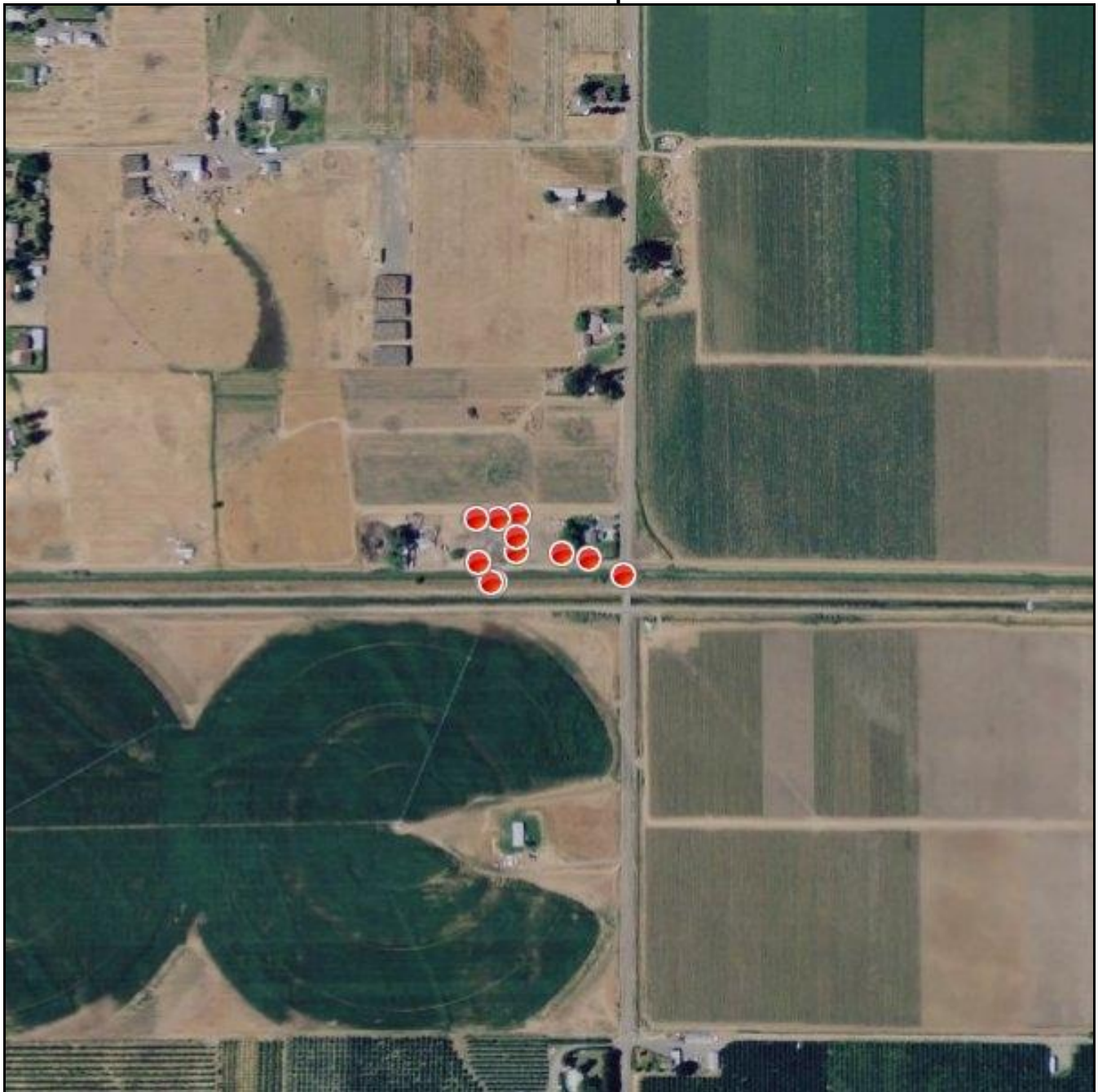
Yakama Nation Solid Waste Assessment

Wapato High School C & D Dumping

3860 Ashue Road



Overview Map



Report # 1 YAKAMA NATION SOLID WASTE – INCIDENT REPORT WAPATO HIGH SCHOOL C & D DISPOSAL

Date of Incident: 9/29/12		Time: 11:00 am.	
Location of Incident and/or Address: 3960 Ashue Rd. Gayton residence			
YNSW Site Number: N-201			
Lat. N46		Long W121	
Code Violation: RYC 77.01.17			
A – Abandoned/Junk Cars and Tires		H – Littering	
B – Abandoned Iceboxes and Other containers		I – Maintaining a Public Nuisance	
C - Child Abuse Or Neglect – Unsanitary or Hazardous Environmental Conditions		J - Environmental Malicious Mischief	
D – Cultural Site Damage		K – Misuse of Disposal Facilities and Other Containers	
E – Hazardous Waste Disposal		L – Operating A Business Without A required Solid Waste Management Permit	
F – Illegal Waste Disposal		M – Unsecured Load - Escape	
G – Injury to Public Property		N – Violation of Regulations	

INCIDENT REPORT: Derald Ortloff, manager of Yakama Nation (YN) Facility Management phoned us (YN Solid Waste Program) on September 26, 2012 at 11:00 regarding a call he received from Washington Department of Ecology (Ecology). Ecology received a call from an individual saying they saw a truck dumping concrete debris coming from the Wapato High School's construction site into a pond located on the Yakama Nation Reservation.

We (John Demontiney and Thomas Sam, Jr.) followed up in response of Ortloff's call and Ecology's information. Below is our combined report from myself, John Demontiney and Thomas Sam, Jr. as we followed each lead we received and coordinated with YN tribal programs. This is our preliminary report as of October 2, 2012:

- Thomas Sam, Jr. called Gary Bleeker, Ecology on Sept. 26 at 1:33 pm to ask about and where the reporting party saw this activity occurring. Bleeker provided a phone number to an individual named Greg of Russell Crane Service.1-(509)-457-6341
- Greg said he heard of the concrete dumping and knew the individual who wants to remain anonymous and he provided the contact number to call. Sam called and spoke directly to the anonymous party (Mr. Anonymous continued to be our main contact for this research and investigation). Mr. Anonymous was obviously concerned and did understand that concrete debris can't be dump just anywhere especially in a pond.
- Mr. Anonymous knew the driver who drove the trucks to site and its exact location. Mr. Anonymous said he would contact YN Solid Waste Program when he finds out more on the location. However, he thought the site might be on West Wapato and Lateral A Road or McKinley Road but believes the concrete debris was taken to somewhere on West Wapato Road.
- Mr. Anonymous told us if we just looked around on West Wapato and Lateral A Road we could find it and see the dumped concrete debris somewhere behind a house nearby a canal. He assumes the site also had wood debris in addition to the concrete debris. We (Demontiney and Sam) looked for the site and did not find it.

- We (Demontiney and Sam) decided to check other possible leads and went to the Wapato School to see if the demolition contractors were still on site on September 26. We located a man named Laythin of Lydig construction who said that the demolition contractors were gone and done. Laythin provided the contractor name of TW Clark who did the demolition. No phone number for TW Clark at this time.
- We went to the Wapato School District office on September 26th and asked to speak with the official was in charge of the construction contract for. We asked to see the bid plans and tipping receipts (if they had any) as required by law and their MSDS sheet. They (Wapato School District) said they would contact us.
- Mr. Anonymous called Sam on Saturday, September 29, 2012 at 2:00 pm to provide the correct site location to find the concrete debris on West Wapato and Ashue Road behind the house by a canal. He provided additional information saying it was only concrete debris and he found out the woody debris was taken to Anderson Pit for disposal.
- October 1, 2012, we further web-searched the site and home at 3960 Ashue Road on the Yakima County GIS website and Yakama Nation Plat Map and discovered the site is fee land.
- We went to the dumpsite on 3960 Ashue Road to take photographed documentation. It is estimated the debris site to be 50ft x 100ft x 6ft with an estimate of 1,500 cubic yards.
- We informed Wayne Wiltse of YN Water Code Program of the site and showed him YN SWP pictures of the site; they (YN WCP) wanted to look at the standing water that's in question for them. We returned to the site at 3960 Ashue Road with YN WCP people to take their own photos. We saw two vehicles at the home and Wiltse checked if the homeowners were home; there no response to his door knock.
- We (YN SWP and WCP) were about to leave when Terry Ganuelas and Will Badonie from the YN Environmental Management Program pulled up and inquired if this is site that had the illegally dumped concrete from the Wapato School. We confirmed it was. Ganuelas and Badonie saw what they considered to be suspect asbestos (asbestos linoleum) and wanted to get a sample.
- All YN programs decided to meet at the Wapato Wolf Den Restaurant to go over the information we have collectively accumulated so far on this illegally dumped concrete. We understood that whatever happened or whoever dumped the action was in clear violation of Yakama Nation Solid Waste Codes and Yakama Nation Waster Codes.
- October 1st We (YN programs) all decided to meet up at the Wapato School District office to clarify with Dan Murray, Asst. superintendant about how things are being handled with their contractor, and, what we have come up with so far. Dan Murray said the demolition of the Wapato High school cost \$1.2 million dollars however the costs was originally estimated at \$956,000.00. The asbestos abatement increased the cost.
- Dan Murray stated that he would contact the contractors and get receipts for all abatement and disposal for concrete debris. We informed him that they are supposed to have records of these kinds of things (solid waste disposal activity) and should have a manifest/MSDS sheet that shows proper disposal of any solid waste and/or hazardous material.
- YN Solid Waste Program received another lead on 10/1/12 and we (Demontiney and Sam) went to the Mid Valley Recycling (MVR) building to speak with Denny Ames but he was not available at that time, however Rick Ames asked if he could help. We wanted to know if he knew anything about the Wapato High School concrete debris. He (R. Ames) claimed that they had nothing to do with that. Ames said that MVR rented out equipment such as a roller, road grader, and a tiny cat to the company called the Groat Bros.
- While we (YN SWP) were following leads, the Yakima County agency staff Janna Jackson became involved in this investigation on 10/2/12 Ms. Jackson phoned me (Demontiney) to discussed what she had discovered and sent YN SWP an e-mail with a copy of Hold Harmless Agreement Contract from Groat Bros and her layout of Denny Ames's role in the disposal of the Wapato high school debris. She demanded that the debris be removed immediately. Jackson thought that the goat brothers dumped it on the old Ames' property and she was visiting a couple of other possible disposal sites. Attached are

copies of Hold Harmless Agreement and accompanying e-mail providing additional information. Note the county land info portal shows Simon and Sandra Gaytan as the property owners not Ames.

- Demontiney Jackson informed her that Yakama Nation has inherent authority to govern all activities pertaining to the handling of solid waste on within the exterior boundaries of the Yakama Nation Reservation. She needs to give YN (SWP) a heads up [notification] before coming onto the reservation and she needs to be invited [protocol] onto the reservation.
- Heather Gaytan, the daughter of the property owner Simon Gaytan at the 3960 Ashue Road, called and asked what was going on and if there was a problem with all that was happening involving the Wapato School District's concrete debris. She explained that her parent(s) are out of town and will not be back until the 11th of October.
- We told her that the longer it sits there the worse it could be for all of them and the residents close to the site. We informed her that right now YN SWP wants our Environmental Program to test for asbestos and our YN WCP to test the PH levels of the water. We left the Right of Entry form for her to sign.

* * *

October 2, 2012 Derald Ortloff Facility Management Director called EPA and asked for their assistance on testing the concrete debris from Wapato High School located at 3960 Ashue Rd. for possible asbestos contamination.

This is our (YN SWP) preliminary investigation, however according to YN Solid Waste Codes no one may create a dump site or land fill unless approved by Yakama Nation Tribal Council. These people are in violation of tribal solid waste codes 77.01 highlighted on the front page of the Incident Report.

The investigation will be ongoing until there is clarification to concerns surrounding the hauling and dumping of Wapato School District's concrete. The YN SWP staff will know more of the detail upon return of property owners and other individuals involved after October 11, 2012.

Thomas Sam

Date Report Completed:
10/8/12

Report # 2 - Yakama Nation Solid Waste - Incident/Assessment Report – Meeting with Ed Clark, Groat Bros.

Date of Incident: 10/4/12	Time: 9 am
Location of Incident and/or Address: Facility Management shop 61350 HWY 97 Toppenish WA	
YNSW Site Number: N-201 Follow up meeting	
Lat. N46	Long W121
Code Violation: RYC 77.01.17	
A – Abandoned/Junk Cars and Tires	H – Littering
B – Abandoned Iceboxes and Other containers	I – Maintaining a Public Nuisance
C - Child Abuse Or Neglect – Unsanitary or Hazardous Environmental Conditions	J - Environmental Malicious Mischief
D – Cultural Site Damage	K – Misuse of Disposal Facilities and Other Containers
E – Hazardous Waste Disposal	L – Operating A Business Without A required Solid Waste Management Permit
F – Illegal Waste Disposal	M – Unsecured Load - Escape
G – Injury to Public Property	N – Violation of Regulations

INCIDENT REPORT: Due to the circumstances of the Wapato High School debris removal and location Ed Clark, Groat Brothers Inc., agreed to meet with the Yakama Nation Solid Waste Program - John DeMontiney and Thomas Sam, at 9 am Thursday the 4th of October and share what information he had about how the debris from the school was handled.

- Immediately Ed said that Denny Ames was calling the company requesting receipts for asbestos abatement for the Wapato High School. Ed said that he would need to contact the business dept. of Groat brothers Inc.
- Ed Clark brought us documentation of loads on spreadsheets with drivers signatures, volumes, check stubs/receipts and told us that Denny Ames is the one who brokered the deal as a recycle person of concrete as Ed states in his report.
- Ed did a background check of who Denny Ames was and found him to be a heavy equipment operator, however Denny wanted to be hired as an Independent Contractor and he was at 50 dollars an hour.
- Ed Clark claims that Mid Valley overcharged the Groat Brothers as well.
- Ed Clark stated that he is the person who created and wrote the hold harmless for the Groat Brothers. He said he wrote it up and sent it to his superiors for any alterations if needed. The end of July was when the hold harmless agreement was signed.
- Ed explains that Columbia Asphalt could not take their concrete debris at this time due to the substantial amount and space to accommodate is not available, which is why they (Groat Brothers) went with Denny Ames's site on 3960 Ahue Rd. Wapato.
- Ed admitted to surveying the site for accessibility and space. He noted that there was other debris inside the hole such as tires, concrete, and wood of some nature. He was aware of the pond like water and assumed it to be standing water.
- Solid waste explained to Ed Clark that Denny Ames denies receiving any money from the Groat Brothers Company in the dumping of the Wapato high school and claims that he just worked for them. They (Groat brothers) took the concrete out to the site with their trucks.
- Ed then told solid waste that there were 352 loads taken to the Ashue site at \$25 dollars a load with each load accounted on Ed's spreadsheet, also with the spreadsheets were checks made out to Mid Valley Recycling as scrap not concrete or scrap concrete, which he believes to be a scandal for tax purpose.
- Ed mentioned that Denny Ames did not even fill out a W4 paper for hiring purposes. Ed believes that he is denying filling it out for tax evasion or tax related reasons.

- As for the money sent to mid valley recycling Ed is not sure if the Gaytan family had received any. Ed had said that he has never met the family or property owner.
- Ed Clark was then asked if anyone had gained or got money out of this he said no and he cannot discuss the budget with us. Then he was asked if they disposed of the concrete with Columbia Asphalt how much would it have cost? He replied zero/nothing. Then he was asked well it's kind of hard to understand with a budget of \$956,000 dollars and it would cost nothing to dispose.
- Ed asked why solid waste wasn't involved or why wasn't solid waste brought up in the specs for demolition debris removal. Solid waste explained that they go around us when they should come to us first. Ed said he was disappointed in the school and believed that they need someone with the knowledge of disposal. Solid waste understands that it's the contractors responsibility to know these things as well.
- Groat Brothers used two 10 yard solo dump trucks in the removal of the school.
- Ed Clark said that they would take the concrete out of the pit if needed to.

Recommendations:

1. Meet with the school and ask how they intend to address the improper disposal.
2. The results from EPA-micro vacuum samples of concrete blocks for asbestos purposes –will not be in for a week (10/15/12)
3. Do not disturb any of the rubble until test results are obtained
4. If school district does not offer a solution, we can pursue civil fines (RYC 77) and other legal action.
5. Work with local school districts to develop disposal plans prior to demolition of schools.

Thomas Sam

Date Report Completed:
10/8/12

Date of Incident: 10/4/12		Time: 10:00am	
Location of Incident and/or Address: Wolf Den in Wapato WA.			
YNSW Site Number: N-201			
Lat. N46		Long W121	
Code Violation: RYC 77.01.17			
A – Abandoned/Junk Cars and Tires		H – Littering	
B – Abandoned Iceboxes and Other containers		I – Maintaining a Public Nuisance	
C - Child Abuse Or Neglect – Unsanitary or Hazardous Environmental Conditions		J - Environmental Malicious Mischief	
D – Cultural Site Damage		K – Misuse of Disposal Facilities and Other Containers	
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Report # 3

INCIDENT REPORT: October 4th 2012 10:00 am meeting with Denny Ames about his role in the Wapato High School concrete debris removal with the Groat Brothers Inc.

- We (YN Solid Waste Program, Yakama Nation Water Code, and Environmental Management Program) arrived at the Wolf Den conference room to meet with Denny Ames.
- I (John DeMontiney) asked Mr. Ames if he knows way we are all here. He said that this about the concrete dumped at Simon Gayton's property 3960 Ashue RD.
- I followed up with another question and asked if he has ever dump at this site before. Mr. Ames said yes we have been trying to fill this hole in for quite some time but we just hauled in river rock and loads of rock and dirt mix. No trash.
- Ames said he did not do the hauling and he owned the heavy equipment to move the debris around as Groats trucks came in with the loads. He moved the concrete around with a bulldozer.
- I asked him if he knew that there was rebar in the concrete. Ames stated he tried to remove the metal, but did not have the right tools to remove the rebar.
- I asked Ames if the property owner was paid for his landfill. He said Mr. Gayton did not receive any money for his landfill. Mr. Ames said he received an S-10 pickup from Groats Brothers for his efforts in moving the debris around.
- I asked him if he received any money from the Groat Brothers he said no he did not. I then showed Mr. Ames the receipts that Ed Clark provided to YN SWP at our morning meeting. Ames did not know what to say when I showed him those canceled checks from the Groat Brothers. Now he said Mid Valley Recycling received money for the loads hauled out to Mr. Gayton's property at \$25 a load and that he was unemployed and needed the money. So Mr. Ames said he just wanted to create himself a job to get some money.
- Mr. Ames now said he was paid \$7,700 for the loads and the metal that was recycled, and one S-10 pickup.
- We asked Mr. Ames if he knew that this site was not permitted for that kind of material. Ames said he did not know that it was illegal to dump any kind of dirt, rocks, and concrete on private property.

- YN SWP informed Mr. Ames that it is illegal to start your own dump on the Yakama Nation Reservation regardless if the land is private property. And that the Tribal Council is the only ones that can make that decision on where a dump site can be located.
- Thomas Sam then asked Mr. Ames if he would be interested in cleaning up the concrete that was in question; he said he could not afford to do it for free, and that if Mr. Clark was willing to go out and bring his equipment that he would be willing to help out.
- We all left the Wolf Den and went out to the sight at 3960 Ashue RD.

John DeMontiney, YN SWP Lead Fieldman

Date Report Completed:
10/9/12

Report #4 – Yakama Nation Solid Waste – Incident/Assessment WHS C & D Disposal- EPA On-Scene

Date of Incident: 10/5/12	Time: 1:15 pm
Location of Incident and/or Address: 3960 Ashue Rd. Wapato WA	
YNSW Site Number: N-201	
Lat. N46	Long W121
Code Violation: RYC 77.01.17	
A – Abandoned/Junk Cars and Tires	H – Littering
B – Abandoned Iceboxes and Other containers	I – Maintaining a Public Nuisance
C - Child Abuse Or Neglect – Unsanitary or Hazardous Environmental Conditions	J - Environmental Malicious Mischief
D – Cultural Site Damage	K – Misuse of Disposal Facilities and Other Containers
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G – Injury to Public Property	N – Violation of Regulations

INCIDENT REPORT: In response to Derald Ortloff's phone call in requesting the Environmental Protection Agency's assistance in testing the concrete debris for asbestos.

- 10/5/12 Jeffrey Fowlow (Federal On Scene Coordinator) of EPA called and said he would be on site around 1:15 pm.
- Upon his arrival Derald Ortloff-Facility Management Director, Mark Kolfer-Water Code Director, Wayne W. water code field staff, Terry G.-Environmental, Will B. environmental field staff, and myself Thomas S. Solid Waste field staff were all on site with permission papers signed by Harry S. Yakama Nation Chairman in this case and this case alone.
- Group all met at the top the irrigation bridge because there was a truck parked in front of the sites entrance.
- Group discussed past history of the school and why there is probable cause of asbestos on the site.
- Jeffrey wanted to get his own paper signed by the family stating EPA has permission to enter the property and run their test.
- Jeffrey had two other people with him that set up Micro Vacuum machines well Jeffrey looked for surface asbestos material, which he flagged and believed them not to originate from the school debris.
- Jeffrey did not see any emanate threat or substantial health risk. He stated that there was no sign of vegetation distress and there were no severe spills, drums or film residue on the water surface. "Nothing alarming" is what he said.
- Photos were taken of their equipment and of their truck with trailer.

Thomas Sam, Jr.**Date Report Completed:
10/9/12**

N 201 Wapato HS

3960 Ashue Rd.
Fee

C & D Dumping



N 201 Wapato HS

3960 Ashue Rd.
Fee

C & D Dumping

























N 201 Wapato HS

3960 Ashue Rd.
Fee

C & D Dumping









N 201 Wapato HS

3960 Ashue Rd.
Fee

C & D Dumping



U.S. EPA Region 10
Emergency Response

OCT 5 2012

N 46° 26' 02"
W 120° 27' 35"

797 ft

3:41:52 PM

W: 120° 27' 34.26"
N: 46° 26' 02.10" 10/5/2012



